

***Bighorn-Desert View***  
***Water Agency***  
**Special Recall Election**  
**August 28, 2007**  
**Candidate**  
**Handbook**

## **HELPFUL CONTACTS**

Provided below is a quick reference of telephone numbers and Internet addresses to assist you with questions you may have during your campaign.

### **Registrar of Voters, San Bernardino County, [www.sbcrov.com](http://www.sbcrov.com)**

Voter File Maintenance (909) 387-2479

Candidate/Public Services Division (909) 387-8300 or (800) 881-8683

Poll Worker Recruitment (909) 387-3341

Absentee Division (909) 387-2305

Precinct Planning (909) 387-2045

Automation Support (909) 387-2271

Polling Places/Operations (909) 387-2044

### **Fair Political Practice Commission, [www.fppc.ca.gov](http://www.fppc.ca.gov)**

Technical Assistance Division (916) 322-5660 or (866) 275-3772

Enforcement Division (800) 561-1861

### **Secretary of State, [www.sos.ca.gov](http://www.sos.ca.gov)**

Election Division (916) 657-2166

Information & Election Fraud Hot-Line (800) 345-8683

Political Reform Division (916) 653-6224

### **California Legislative Information, [www.leginfo.ca.gov](http://www.leginfo.ca.gov)**

California Codes and link to California Constitution

**BIGHORN-DESERT VIEW WATER AGENCY  
SPECIAL RECALL  
MAIL BALLOT ELECTION  
August 28, 2007**

<b><u>DATE</u></b>	<b><u>ACTION</u></b>
May 21	<b>Nomination Period Opens.</b> Candidates may pick up nomination packets or at the Registrar of Voters.
May 21 – June 14	Candidates, who want to file a candidate statement, must file it at the same time the Declaration of Candidacy is filed.
May 21 – June 14	The Statement of Economic Interest Form must be obtained from the District Secretary and filed with the district by the close of the nomination period.
June 14	Last day that any candidate may request in writing a different ballot designation for this election.
June 14	<b>Nomination Period closes.</b> Deadline to file all necessary nomination documents.
June 15	The Secretary of State's office shall conduct the random alphabet drawing.
July 2 – August 14	Period for <b>Write-in</b> candidates to file their statements of write-in candidacy and nomination papers.
July 30 – August 18	Between these dates the Registrar of Voters shall mail the combined sample ballot and mail ballot.
August 13	Last day to register to vote for the August 28, 2007 election.
<b>August 28</b>	<b>Election Day</b>
August 30 – September 25	Registrar of Voters shall commence official canvass no later than the first Thursday following the election.

September 25

Deadline for the Registrar of Voters to certify election results.

**Bighorn-Desert View Water Agency**

<b><u>District</u></b>	<b><u>Offices to be filled</u></b>
For Director to succeed Maryan Barkley if recalled (removed) from office	1 Short Term
For Director to succeed Sharon Edwards recalled (removed) from office	1 Short Term
For Director to succeed Mike Moline if recalled (removed) from office	1 Short Term

## **CANDIDATE QUALIFICATIONS AND INFORMATION**

### **General Information**

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment. E.C.§201

A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State. Government Code §1021

If a candidate is seeking a nonpartisan office, all reference to party affiliation shall be omitted on all required forms. E.C. §8002

### **Eligibility**

Bighorn Desert View Water Agency:

Director-at-Large: A registered voter and a resident of the agency.

W .C. Apps. Ch. 112-5 and G.C. §24001

### **Caution**

This guide is intended to provide general information concerning the nomination and election of candidates, and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Interested persons should obtain the most up-to-date information available because of possible changes in law or procedures.

In general, it is not the responsibility of the Registrar of Voters to determine that a candidate meets the requirements for holding office. The candidate signs the Declaration of Candidacy under penalty of perjury saying that he or she meets the requirements for that office. However, the Registrar of Voters ensures that the candidate is registered within the district.

### **Legal References**

The Government, Education, Election, Health and Safety, Public Resources, Public Utilities, Water Codes and California Code of Regulations may be referenced in this Candidate Handbook.

## **NOMINATION DOCUMENTS AND FILING PROCEDURES**

All forms required for nomination and election to all offices shall be furnished by the county elections official. At the time of issuing these forms the county elections official shall:

- 1) type on the forms the name of the candidate and the office for which he or she is a candidate.
- 2) imprint on the form "Official Filing Form".
- 3) affix his or her signature to the form.

### **Declaration of Candidacy (Required Form)**

#### **May 21 – June 14, 2007**

This form is used to declare your candidacy, provide your ballot designation, and take the Oath of Allegiance. Your name is entered by the filing officer at the time you are given this paper and other documents, and the Oath of Allegiance is administered, once issued, these forms are public information.

The county elections official shall provide the candidate with a Declaration of Candidacy no earlier than May 21, 2007. No candidate's name shall be printed on the election ballot unless a Declaration of Candidacy is filed with the county elections official. The candidate is to execute the Declaration of Candidacy **in the office of the county elections official**, unless the candidate has authorized someone else to pick up and/or file these nomination papers. You may obtain a sample letter of authorization from the Registrar of Voters. E.C. §10510(a)

Please be aware, to properly execute the oath of office on the Declaration of Candidacy, the oath must be administered by a member of the Registrar of Voters staff, an authorized public official, or a notary public.

### **Name as it Will Appear on the Ballot**

The candidate's name will appear on the ballot as provided by the candidate on the Declaration of Candidacy. The declaration of candidacy cannot be changed after the deadline for filing of nomination papers.

No title or degree shall appear in the ballot on the same line as a candidate's name, either before or after the candidate's name, in the case of any election to any office. E.C. §13106

If the candidate has changed his or her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by Decree of Court. E.C. §13104

## **CAUTION**

You are not officially filed as a candidate until your Declaration of Candidacy is filed at the Registrar of Voters with all appropriate forms. Even if you choose not to do a candidate statement, a form must be filed with your signature stating you do not want to file a statement.

## **BALLOT DESIGNATION**

The ballot designation is the word, or group of not more than three (3) words, that will appear on the ballot under the candidate's name. It designates the current principal profession, vocation, or occupation of the candidate.

Candidate ballot designations must be in compliance with either Elections Code §13107 or §13107.5.

Elections Code section 13107 states:

- a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only **one** of the following designations:
  - 1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
  - 2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, was unopposed on the ballot, or, in the case of a superior court judge, was appointed to that office.
  - 3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word.
  - 4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed". However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she

holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Education Code §§5326 and 5328, and Election Code §§7228, 7423, 7673, 10229, or 10515.

- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
  - (1) It would mislead the voter.
  - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
  - (3) It abbreviates the word “retired” or places it following any word or words, which it modifies.
  - (4) It uses a word or prefix, such as “former” or “ex-”, which means a prior status. The only exception is the use of the word “retired.”
  - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
  - (6) It uses a word or words referring to a racial, religious, or ethnic up.
  - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate’s nomination documents.
  - (1) The candidate shall, within three days from the date of receipt of the notice, appear before the elections officer or, in the case of Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
  - (2) In the event the candidate fails to provide an alternate designation, **no** designation shall appear after the candidate’s name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision.
- (e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of request.



- (f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirement of §§13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirement.
- (g) Whenever a foreign language translation of a candidate's designation is required under the Voting Right Act of 1965, as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

Elections Code Section 13107.5 states:

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principle vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
  - (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
  - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
  - (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

### **Withdrawal of Candidate**

No candidate shall withdraw his or her Declaration of Candidacy after 5 p.m. on the 75<sup>th</sup> day (June 14, 2007) prior to the election. E.C. §10510(a), §10604(b)

### **Random Alphabet List**

On June 15, 2007, the Secretary of State will conduct a random drawing of the alphabet. Names of candidates will be arranged on the ballot in accordance with the random alphabet. E.C. §13112

## **ADDITIONAL NOMINATION FORMS**

### **Candidate's Statement of Qualifications (Required Form)**

Candidates for non-partisan elective offices must file the Candidate's Statement of Qualifications form. The statement is optional, but the form must be filed to indicate whether or not you wish to have a statement appear in the Voter Information portion of the Sample Ballot. See the "Candidate's Statement of Qualifications Guidelines" section of this guide for further information.

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### **Code of Fair Campaign Practices (Optional Form)**

At the time an individual files his or her declaration of candidacy, nomination petition, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a copy of the Code of Fair Campaign Practices and a copy of the provisions of Chapter 5, Division 20 of the Elections Code. Subscription to the Code is voluntary.

E.C. §20440

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### **Dept. of Transportation Statement of Responsibility (Informational Form)**

The California Department of Transportation has specific guidelines and responsibilities pertaining to political signs placed within their areas of jurisdiction. Each candidate receives an informational form letter and a sample copy of the Department of Transportation's "Statement of Responsibility" form at the time nomination documents are issued.

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## **CANDIDATE'S STATEMENT OF QUALIFICATIONS**

### **COST AND GUIDELINES**

(Elections Code Sections 13307, 13312, 18351)

Each candidate for a **nonpartisan** elective office may submit a candidate statement for the voter information portion of the Sample Ballot at the time that he or she files nomination papers. The purpose of the voluntary candidate statement is to acquaint voters with the candidate's qualifications for the office he or she is seeking. The candidate statement is incorporated into the voter information portion of the Sample Ballot pamphlet and is mailed to all registered voters eligible to vote for the candidate.

### **Content**

The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate. Such statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.

Nothing in this statement shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet. E.C. §13307

Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepare pursuant to E.C. 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1000).

E.C. §18351

### **Superior Court Decision**

Although E.C. 13307 does not expressly prohibit speaking about another candidate, it should be noted that a 1998 decision by an appellate court required a candidate to remove such references. A subsequent case decided in San Bernardino County Superior Court on this same issue relied on the appellate decision and required removal.

### **Format**

Candidate statements are printed in the voter information portion of the Sample Ballot in block paragraph format with no indents at the beginning of each paragraph. In order to insure uniformity of candidate statements, the candidate must prepare the statement as follows:

- Type the statement in single spaced **paragraph format** and upper and lower case letters. Each paragraph must begin with no indent. Statement must be typewritten or computer printed.
- It is acceptable for four (4) words to be **bold** or underlined or **bold and underlined**. Four (4) words may also be in ALL CAPITAL LETTERS or in ANY combination. It is acceptable to use four bullet statements. The candidate statement is printed in standard block paragraph form, which means each paragraph will start on the left and the margins will be justified. A space will appear between paragraphs unless the statement is submitted without a space between paragraphs. No indentions are allowed. If a list is to be printed (clubs, accomplishments, goals, etc.), it will appear as shown in the following paragraph. I belong to the following organizations: PTA...Chamber of Commerce...Zoological Society...Bridge Club. If elected, I will: 1) lower taxes; 2) increase services; 3) cure the common cold; 4) be your servant. The Registrar of Voters staff will make modifications so it conforms to these rules.
- Statements **must be** confined to the maximum number of words. Please refer to "Rules for Counting Words" for guidelines on computing word counts.
- Check statement for errors in spelling, punctuation and grammar. Statements will appear in the Voter Information Portion of the Sample Ballot **exactly as submitted by the candidate**. **NO** corrections or changes to content, format or spacing will be allowed after the statement has been filed.

### **Restrictions**

The candidate statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Photographs of candidates are not permitted in the sample ballot.

### **Confidentiality**

The candidate statements shall remain confidential until the close of the nomination period for the office sought. You may view or purchase copies of any candidate's statement beginning the day after the close of the nomination period.

E.C.§13311, 13313

### **Withdrawal**

The statement may be withdrawn, but **NOT** changed, until 5:00 p.m. of the next business day after the close of the nomination period for the office sought. If a candidate statement is withdrawn, a new one can not be filed.

E.C. §13307 (a) (3)

Candidates may review their own statements for omissions or typographical errors as a result of this office, the certified translators and/or the printers. If the candidate believes there is a translation error, it will be sent back to the certified translators for review and final decision. During the viewing period, candidates are not allowed to change any errors or formatting that they may have made on their statement when it was filed.

## **Challenge of Contents**

There is a 10-calendar day public examination period immediately following the filing deadline of candidate statements when the statements may be reviewed. During this 10-calendar day examination period any voter of the jurisdiction in which the election is being held or any candidate may take legal action to challenge the contents of the statement. Our office **highly recommends** if anyone wishes to pursue a legal challenge and obtain a writ of mandate to amend or delete any portion of a candidate's statement, this legal challenge should be filed immediately. E.C. § 13313, 13314

## **Liability**

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information Portion of the Sample Ballot.

Any candidate who knowingly makes a false statement of material fact in a candidate statement, prepared pursuant to Elections Code Section 13307, with the intent to mislead the voters in connection with his or her campaign for nomination of election to a nonpartisan office is punishable by a fine not to exceed \$1,000. E.C. §18351

## **Cost**

The Registrar of Voters estimates the total cost of printing, handling, translating, and mailing the candidate's statement, and includes costs incurred as a result of complying with the Voting Rights Act of 1965, as amended. This is an estimated cost only and may increase or decrease. E.C. §13307 (c)

Payment is required at the time the candidate statement is filed. Cash cannot be accepted in the amount of \$100 or more.

By County ordinance, a fee of \$15 will be charged for any check that is returned by the bank. In cases where difficulty has been experienced, future payments will only be accepted by cashier's check, money order, or cash if under \$100.

## **Alleged Indigency**

If indigency is claimed regarding the payment of candidate statement costs, all forms and back-up documentation submitted will be turned over to the proper authorities for verification. Note also that this information is public record and available to the news media. You will eventually pay for the cost of the candidate statement. E.C. §13309

**Estimated Cost for Candidate Statement for Bighorn-Desert View Water Agency  
Special Recall Election**

<b><u>District Statement</u></b>	<b><u>Registered Voters</u></b>	<b><u>200 Word</u></b>
For Director to succeed Maryan Barkley If recalled (removed) from office.	1,580	\$ 250
For Director to succeed Sharon Edwards If recalled (removed) from office.	1,580	\$ 250
For Director to succeed Mike Maline If recalled (removed) from office.	1,580	\$ 250

**Rules for Counting Words**

The following guidelines are for computing the word count for candidate statements. The ***title, occupation and age are not included in the word count***, only the statement text. The Office of the Registrar of Voters will make final determination.

	E.C. § 9
	<b><u>Word(s)</u></b>
Punctuation .....	<b>Free</b>
Dictionary words.....	<b>One</b>
"I", "the", "and", etc. are counted as individual words.	
Abbreviations/Acronyms .....	<b>One</b>
Examples: SBSU, PTA, U.S.M.C., S.B.P.D.	
Geographical name.....	<b>One</b>
Examples: San Bernardino - 1 word	
County of San Bernardino - 1 word	
Numbers/Numerical Combinations/E-Mail Addresses:	
Digits (1, 10, or 100, etc.) .....	<b>One</b>
Spelled out (one, ten, or one hundred) .....	<b>One for each word</b>
50%, 1/2, etc.....	<b>One</b>
Internet/E-mail addresses (wwwsbcrov.com/jdoe@rov.sbcounty.gov) .....	<b>One</b>
Number or letter used to identify a portion of text.....	<b>One</b>

**Examples: (1), (a) will be counted as one word**

Dates: All digits (01/01/00) .....	<b>One</b>
Words and digits (January 1, 2000) .....	<b>Two</b>
Characters used in place of word or number (& or #).....	<b>One</b>
Hyphenated words that appear in any generally available dictionary, printed in the United States within the past 10 years, shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words.	
Example: mother-in-law = 1 word	
one-half = 2 words	

The Political Reform Act requires candidates to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the Political Reform Act are contained in Section 81000 through Section 91015 of the California Government Code. Manuals and forms relating to campaign reporting obligations under the Act may be obtained from your local elections official or the Fair Political Practice Commission (FPPC). Assistance and information on completing campaign statements is provided by the Technical Assistance Division of the Fair Political Practices Commission (FPPC) at (916) 322-5660, (866) 275-3772 or on their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### **Candidates who DO NOT anticipate spending or receiving over \$1,000**

**Form 501 Candidate Intention Statement** – This form announces the candidate's intention to run for office. All candidates must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. This form is considered filed the date it is postmarked or hand delivered to the Office of the Registrar of Voters. Complete parts 1 and 3 and sign and date the form in ink. An unsigned statement is not considered filed. You must file a separate Form 501 for each election. **Exception:** This form is not required if you will not solicit or receive contributions from other persons and the only expenditures from your personal funds will be used for the filing fee and/or candidate statement in the sample ballot.

Government Code §85200

**Form 470 Officeholder and Candidate Campaign Statement-Short Form** - Candidates who do not anticipate spending or receiving over \$1,000 during the calendar year, and do not have a controlled committee, need to file this form.

**Form 470 Supplement** – After the candidate has filed a Form 470 and then subsequently receives contributions (including monetary or non-monetary contributions, loans and the candidate's personal funds) totaling \$1,000 or more or makes expenditures totaling \$1,000 or more, is required to send written notification, (the Form 470 Supplement) within 48 hours, to the Registrar of Voters and to each candidate seeking the same office. Regular mail may not be used. Send by FAX, guaranteed overnight delivery or personal delivery. The candidate must file a Form 410 Statement of Organization within 10 days of receiving over \$1,000 in contributions.

### **Candidates who DO anticipate spending or receiving OVER \$1,000**

**Form 501 Candidate Intention Statement** - Same requirements as stated on previous page.

**Form 410 Statement of Organization** - This completed form must be filed with the Secretary of State's Political Reform Division (original & 1 copy) and with the Office of the Registrar of Voters (2 copies), within 10 days of receiving \$1,000 in contributions or spending \$1,000 in expenditures. The term "contribution" includes monetary payments, loans and non-monetary goods or services. You will need to establish a campaign

contribution account at any financial institution located in California before you can complete the Form 410. 1) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. 2) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure. 3) All campaign expenditures shall be made from this account.\* Government Code §85201

Exception: \* This does not apply to a candidate's payment of a filing fee and/or statement of qualifications from his/her personal funds.

Upon filing of the Form 410 with the Office of the Secretary of State, they will issue you a committee ID number, which you must include on all subsequent disclosure filings. A Form 410 may be filed **prior** to the receipt of \$1,000 in order to obtain an ID number and/or to submit bank account information. However, within ten days of receiving or spending \$1,000 or more, you must file an **amended Form 410**. The date you qualify as a committee is the date you received \$1,000 or more. Any time you change any information listed on a previously filed Form 410, such as addresses or treasurer information, you must file an **amended Form 410**. **All amended forms must be filed with both the Secretary of State/Political Reform Division and the Registrar of Voters.**

A committee that **qualifies during the last 16 days prior to an election**, and makes independent expenditures totaling \$1,000 or more to support or oppose a candidate or candidates being voted on in the election, **must file the information required on the Form 410 within 24 hours**. The Form 410 must be faxed, sent by guaranteed overnight delivery, telegram, personally delivered or online (if online filing is available). Government Code § 84100

Once you have filed your Form 410 and have been assigned your ID number, you will file the **Form 460 Recipient Committee Campaign Statement** according to the filing calendar set by the FPPC. Your ID number must appear on every form you file during your campaign. **ALL** candidate controlled committees **MUST FILE** the Form 460 by the appropriate deadlines for each filing period. **If you do not file your campaign statement by the deadline, you are subject to a fine.** Local candidates file their Form 460 reports only with the Registrar of Voters.

Please refer to Fair Political Practices Commission Manual 2 or the CD you are given for further details on filing requirements. Below is a brief description of some of the forms you may be required to file. Fair Political Practices Commission forms are available from the FPPC website [www.fppc.ca.gov](http://www.fppc.ca.gov), the Registrar of Voters or by calling (909) 387-8300 or (800) 881-8683.

The **Form 410** is also used to **terminate** your committee upon fulfilling all applicable requirements.



**Form 460 - Recipient Committee Campaign Statement** – For use by a candidate or officeholder not eligible to file the short form (Form 470) or who is filing jointly with one or more controlled committees. A controlled committee is one that is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures.

**Form 496 - Late Independent Expenditure Report** – This form **may** be used to report a late independent expenditure and must be filed within 24 hours of making the independent expenditure **and** each time \$1,000 or more is spent to support or oppose a single candidate or measure during the 16 days immediately prior to the election in which the candidate or measure is being voted on. This form must be filed by fax, guaranteed overnight delivery, or personal delivery. Regular mail may not be used. **(Government Code Section §85501 prohibits a candidate's controlled committee from making an independent expenditure to support or oppose another candidate.)**

**Form 497 - Late Contribution Report** – This form **may** be used to report a late contribution. Late contributions must be reported within 24 hours of receiving a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans that total **\$1,000 or more from a single source**, during the 16 day period preceding the election in which the candidate or measure is to be voted on. Regular mail may **not** be used to file this report. File by fax, guaranteed overnight delivery or personal delivery.

### **Election Related Filings**

All committees must file reports by the filing deadline for the specific period set by the FPPC. These dates are set by law and cannot be changed. You will be required to amend your statement if your report does not list the correct reporting period. All committees should file by the appropriate method of delivery. ***Please note that for the statement due August 16, 2007, you are required to deliver your statement inperson or by guaranteed overnight service.*** Government Code §84200.8

### **Faxing Campaign Statements**

Campaign statements that contain 30 pages or less may be faxed provided that the faxed copy of the campaign statement is the exact copy of the original version. **The original version must be sent by first class mail, guaranteed overnight delivery, or delivered personally within 24 hours of the applicable deadline.**

Government Code §81007

### **Reporting Donor Information on Schedule A, Form 460**

Committees must disclose the name and address of contributors who contribute \$100 or

more during a calendar year. If the contributor is an individual, the occupation and employer must be listed as well. An amended Form 460 can be filed later if this information is not available before the filing deadline. File all Form 460's on or before the deadline to avoid a fine. You are not required to attach schedule pages to the Form 410 containing a zero total.

Government Code §85700

## **LAWS GOVERNING CAMPAIGN PRACTICES**

### **Political Advertising**

Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement". The words shall be set apart from any other printed matter. As used in this section "Paid Political Advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office. E.C. § 20008

Local jurisdictions have each established ordinances regarding political advertising and signs. Refer to the "Outdoor Political Advertising Guidelines" section in this guide for contact information for each of the city code enforcement offices in San Bernardino County to obtain further information.

### **Simulation of the Ballot**

Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

"NOTICE TO VOTERS"  
"(Required by Law)"

"This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State."

"This is an unofficial, marked ballot prepared by \_\_\_\_\_ (insert name and address of the person or organization responsible for preparation thereof)."

Violations will result in a court injunction. Our office is available to review proposed ballot simulations. E .C. §20009

### **Campaign Literature Containing Polling Place of Voter**

No person shall distribute, or cause to be distributed, literature to voters which includes the designation of a voter's polling place other than the precinct polling place listed for that voter in the latest official precinct polling place list prepared within 30 days prior to such distribution. Violations may result in criminal penalties.

E.C. § 18302

Candidates are requested not to distribute or mail campaign literature telling a voter where his/her polling place is located. It is not only confusing to voters, but invariably some polling place changes occur in the last few days before an election. In the past, candidates have mailed or had distributed campaign literature telling voters to go to the wrong polling place. We are sure you can understand the problems this causes for voters and our staff, as well as for the candidate.

### **Mass Mailing/Campaign Literature**

The definition of "Mass Mailing" is two hundred (200) or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a unsolicited request, letter or other inquiry.

Government Code §82041.5

### **Mass Mailing Requirements**

Section 84305 of the Government Code provides as follows:

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing in no less than 6-point type. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

### **Mass Mailing Prohibitions**

**NO** newsletter or other mass mailing shall be sent at public expense.

### **Truth In Endorsements Law**

Elections Code §20008 et seq. provides additional information regarding restrictions on endorsements, representation requirements, etc. A copy of the code is available for viewing at the Registrar of Voters.

**False or Misleading Information to Voters**

No candidate shall submit any nomination paper or declaration of candidacy knowing that any part of it has been made falsely. Violations may result in criminal penalties. No candidate shall attempt to mislead the public by pretending or implying by his statements or conduct that he is an incumbent of a public office or that he has acted in the capacity of a public officer when this is not the case. Violations may result in civil penalties. In the occupational designation on the ballot, no candidate shall assume a designation which would mislead the voters.

E.C. §13107, §18203, §18350

## **ELECTIONEERING ON ELECTION DAY**

On Election Day, no person at any time shall be within 100 feet of a polling place or an elections official's office and:

- a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- b) Solicit a vote or speak to a voter on the subject of marking his ballot.
- c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240. No person other than the precinct board or election official may challenge or question any voter regarding his/her qualifications.
- d) Do any electioneering.

As used in this section "100 feet of a polling place or an election official's office" shall mean a distance 100 feet from the entrance to the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and if intimidation is used, a felony. (§18370, 18541) Persons who conspire to violate Section 18543 (challenging without probable cause) are guilty of a felony.

Section 18403 of the Elections Code provides that any person other than an elections official or a precinct board member who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by state imprisonment for 16 months or two or three years, by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to persons returning an absentee ballot or persons assisting a voter as provided by law.

Section 18540 provides that every person who makes use of or threatens to make use of, or who hires or arranges for any other person to make use of or threaten to make use of, any force, violence, or tactic of coercion or intimidation to induce or compel any other person to vote or refrain from voting at any election, or for any particular person or measure, or because any person voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by state imprisonment for 16 months or two or three years.

Section 18544 provides that any person in possession of a firearm or any uniformed peace officer, private guard, or security officer who is stationed in the immediate vicinity of, or posted at a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), state imprisonment for 16 months or two or three years, county jail term not exceeding one year, or both the fine and imprisonment.

**CODE OF FAIR CAMPAIGN PRACTICES**  
(Election Code Sections 20400-20444)

**Background Information**

In 1982, legislation was passed which established a "Code of Fair Campaign Practices" in California which could be voluntarily subscribed to by candidates for public office. Amendments in 1987 expanded the provisions of the code so as to apply to committees formed primarily to support/oppose a ballot measure, and also reaffirmed civil liability provisions pertaining to libel and slander in campaign advertising and communications.

The text of the provisions of the Code of Fair Campaign Practices is listed on the following pages.

**Registrar of Voters Requirement**

The Registrar of Voters is required, at the time an individual is issued his/her Declaration of Candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, to provide the candidate a blank form on which to subscribe to the "Code of Fair Campaign Practices" and a copy of the Elections Code provisions.

**Voluntary Subscription**

Subscription to the Code is voluntary. Completed forms are to be filed with the Registrar of Voters and shall be retained for public inspection until 30 days after the election.

**PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES**  
as found in Chapter 5 of Division 20 of the California Elections Code

**Chapter 5. Fair Campaign Practices**  
**Article 1. General Intent**

20400. The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

**Article 2. Definitions**

20420. As used in this chapter, "Code" means the Code of Fair Campaign Practices.

**Article 3. Code of Fair Campaign Practices**

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the Code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

20441. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

## **CODE OF FAIR CAMPAIGN PRACTICES**

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

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Signature

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Date

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Office Sought

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Date of the Election



## **OUTDOOR POLITICAL ADVERTISING GUIDELINES**

### **Posting of County Political Signs**

The following guidelines on posting of temporary political signs in San Bernardino County areas are provided to be of assistance. More detailed information, or updates, can be obtained by contacting Code Enforcement (800) 722-3181 or (909) 387-4044.

**A temporary political sign is any sign that indicates any one or a combination of the following:**

1. The name or picture of an individual seeking election or appointment to a public office.
2. Relates to a forthcoming public election or referendum.
3. Advocates a person, group, or party's political views or policies.

**A temporary political sign is permitted in any land use district subject to the following limitations:**

1. Such political signs shall be removed within thirty (30) days after the same election.
2. Such political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts, unless such sign is an accessory (e.g. campaign headquarters) or primary sign permitted by this chapter.
3. Such political signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
4. Such political signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way, parkway or on publicly owned land.

### **San Bernardino County Flood Control or Right of Ways**

**NO** political signs can be placed within the San Bernardino County Flood Control or Road Right of Way.

## **State Political Sign Regulations**

The California Department of Transportation has specific guidelines and responsibilities pertaining to political signs placed within their areas of jurisdiction. This information will be issued to candidates when receiving their nomination papers.

## **City Political Sign Regulations**

The placement of signs within the city limits is regulated by each respective city. Listed below is the contact information for each city code enforcement office within San Bernardino County. Please contact them if you have any questions.

### **Apple Valley**

(760) 240-7560

### **Grand Terrace**

(909) 430-2229

### **Redlands**

(909) 798-7534 ext. 5

### **Adelanto**

(760) 246-3305

### **Hesperia**

(760) 947-1343

### **Rialto**

(909) 820-2636

### **Barstow**

(760) 255-5168

### **Highland**

(909) 864-6861 ext. 201

### **San Bernardino**

(909) 384-5205

### **Big Bear Lake**

(909) 866-5831

### **Loma Linda**

(909) 799-2860

### **Twentynine Palms**

(760) 367-6799

### **Chino**

(909) 591-9809

### **Montclair**

(909) 626-1210

### **Upland**

(909) 946-4612

### **Chino Hills**

(909) 364-2757

### **Needles**

(760) 326-4952

### **Victorville**

(760) 955-5104

### **Colton**

(909) 370-5114

### **Ontario**

(909) 395-2007

### **Yucaipa**

(909) 797-2489 ext. 245

### **Fontana**

(909) 350-7686

### **Rancho Cucamonga**

(909) 477-2712

### **Yucca Valley**

(760) 369-6575 ext. 322

## **VOTER REGISTRATION AND ELECTION DATA**

*Per confidentiality laws of 1995, voter information is confidential; however, there are specific permissible exceptions to the law.* The California Administrative Code, Title 2, Division 7, Chapter 1, Article 1, Sections 19003, 19004, & 19005 specifies permissible uses for any data obtained from voter registration files. Permissible usage includes direct election campaigning, surveys in conjunction with an election campaign, and distribution of information of a political nature. Data obtained from voter registration or election files may not be sold, leased, loaned, reproduced, or possession thereof relinquished without receiving written authorization to do so from the Secretary of State or the Registrar of Voters. Prohibited usage includes commercial purposes and solicitations of contributions or services for any purpose other than on behalf of a candidate or political party, or in support of or opposition to a ballot measure.

### **Public Viewing Terminals**

The voter registration database may be viewed from a public terminal in the lobby area of the Registrar of Voters. The public viewing terminal is available during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. The public terminal screen does not reveal confidential voter registration information. Confidential information includes such items as: residential street address, telephone number, precinct number, occupation, driver's license number and the last four digits of a social security number.

### **Confidential Viewing Terminals**

Viewing of the confidential voter registration database is only available at the Registrar of Voters. To view the confidential voter registration database, you will be required to provide identification and complete an Application for Voter Information. The confidential viewing terminal is available during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.

### **Purchasing Voter Information**

Voter information and maps are available for purchase at the Registrar of Voters. You must present a valid picture ID the first time you place an order. If you do not want to come into our office, please contact Shirley Armstead at (909) 387-2271 for instructions. When purchasing voter information, you will be asked to complete an "Application for Voter Information" and explain why you need this information. You must pay for your order in advance. Our office will call you when your order is ready for pickup. Orders are processed in the order they are received. Generally, there is a 3 business day turnaround.

## **ELECTION DAY INFORMATION**

### **Election Day Information**

The Registrar of Voters will be open until 8:00 p.m. to accept ballots cast and to reissue any voters spoiled or lost ballot.

### **Election Night Tabulation**

The Optical Scan ballots are prepared for counting by staff under the direction of the Registrar of Voters at 777 E. Rialto Ave., San Bernardino.

### **Election Results**

Semi Official Election results will be available at approximately 8:15 P.M. on election night on our website at [www.sbcrov.com](http://www.sbcrov.com) or by telephone at (800) 881-8683 or at (909) 387-8300.

### **Official Canvass of the Returns**

The Registrar of Voters conducts an official canvass of the election returns when all voted ballots have been counted. This process involves the reconciliation of voter signatures, voted ballots and reported vote totals for each precinct. (Elections Code §10547). When completed, a certified statement of the election results is submitted to the Board of Supervisors, the Bighorn-Desert View Water Agency. Anyone may view or purchase copies of the final results at the Registrar of Voters.

## **QUESTIONS FREQUENTLY ASKED BY CANDIDATES**

**Can I use a credit card to pay my filing fee, purchase voter material, or to pay my candidate statement fee?**

No. Cash, checks, or money orders are the only acceptable forms of payment. Make checks payable to the Registrar of Voters.

**How soon will a list of qualified candidates be available after the close of nomination?**

Candidate information is always available on our website at [www.sbcrov.com](http://www.sbcrov.com).

**May I change or correct the wording or spelling on my candidate statement after it is filed?**

No. A candidate statement cannot be changed after it has been filed, only withdrawn.

**If I submit a voluntary candidate statement and I change my mind, may I withdraw the statement and receive a refund?**

Yes, with certain conditions. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period. If you withdraw your statement before the close of the nomination period, you will receive a refund. However, you will not be allowed to file another one. After the close of nominations, your statement cannot be withdrawn, nor will you receive a refund.

**Can I choose what languages my candidate statement will be printed in?**

No, our office is federally mandated to print our Sample Ballots/Voter Information Pamphlets in all two languages: English and Spanish.

**May my spouse, relative, friend or campaign manager file my nomination documents, or can I mail them to you?**

Election law does not specifically prohibit another person filing nomination papers for a candidate. However, candidates are urged to file in person. The reasons are twofold:

- A. The oath of office on the Declaration of Candidacy must be administered by an appropriate staff member of the Registrar of Voters, an authorized public official, or a notary public. It is simpler for a candidate to file the nomination papers in person and have the oath administered at the same time; and
- B. The signature of the candidate, as well as other data, is required on many documents involved in the nomination process. If through an oversight the nomination papers are incomplete, the problem can easily be rectified when a candidate files in person.

If the candidate wishes to mail the nomination papers, they must be sent by certified mail and arrive in our office by 5:00 p.m. on the deadline for the close of the nomination period, regardless of the postmark.

**I am unable to complete and file my campaign disclosure statement (FPPC filings) by the filing deadline. May I obtain an extension and will I be fined?**

No, there is no provision in the Political Reform Act that permits any filing officer to extend a filing deadline. Statements that are filed late are subject to a fine of \$10.00 per day until the statement is filed. It is recommended that you file a report containing all information you have at the time and then amend the filing immediately after obtaining the remainder of the information.

**Can I obtain election night results on the Internet?**

Yes, you may obtain the information at [www.sbcrov.com](http://www.sbcrov.com).

**Why is there so much paperwork involved in being a candidate?**

Election law specifies documents required, as well as format, filing dates, etc. The filing requirements are not discretionary.